

REMARKS

The Office Action dated May 24, 2005 has been received and carefully studied.

The Examiner newly rejects claims 1-3 and 5-8 under 35 U.S.C. §102(a) as being anticipated by "Multiscreen PCR Plates User Guide, Millipore Corporation, 4/2000 ("User Guide"), and claims 9-12 under 35 U.S.C. §103(a) as being unpatentable over User Guide in view of "Use of Multiscreen Plates for the preparation of bacterial DNA suitable for PCR".

Submitted herewith is a Declaration under 37 C.F.R. §1.132 of Michael Colman, the inventor of the present invention, showing that the User Guide is a publication of his own invention, and therefore is not a reference to this case. It is believed that the Declaration overcomes the rejections.

The Examiner rejects claims 1, 3, 5-8 and 13 under 35 U.S.C. §102(e) as being anticipated by WO 01/19482. The Examiner states that WO '482 teaches a process for the improved recovery of double-stranded DNA by diluting the sample with water and then subjecting it to constant pressure filtration at a first and then a second pressure.

The rejection is respectfully traversed.

WO '482 relates to sequencing products. Sequencing products are all single stranded DNA. In contrast, the instant claims are directed to a process for the improved recovery of double stranded linear nucleic acids. This is nowhere disclosed or suggested in WO '482. Moreover, it is known that single stranded DNA takes on secondary structure, and thus one skilled in the art would have no reasonable expectation of success in applying the instant process to single stranded DNA.

Reconsideration and allowance are respectfully requested in view of the foregoing remarks.

Respectfully submitted,



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